

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.16854 OF 2006

Date of decision : October 26, 2006

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Swati Yadav

.....Petitioner

Vs.

Pt. Bhagwat Dayal Sharma
Postgraduate Institute of Medical Sciences,
Rohtak and others

.....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Surender Lamba, Advocate for the petitioner(s).
Mr. Ashok Jindal, Additional Advocate General, Haryana for
respondents no. 1 & 2.
Dr. Balram K. Gupta, Senior Advocate with Mr. Pankaj
Sharma, Advocate for respondent no.3.

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Viney Mittal, J. (Oral)

Learned counsel appearing for the petitioner has reiterated the arguments raised by him as noticed in the order dated October 24, 2006. It has been contended that the respondents, at no point of time, had intimated the date of counselling with regard to filling up of BCB seats in BAMS Course and as such the petitioner and other similarly situated candidates belonging to the aforesaid category could not take part in the first counselling.

Sh. Ashok Jindal, learned Additional Advocate General, Haryana appearing for respondents no. 1 & 2, on instructions from Sh.

Tilak Raj, Assistant and on the basis of the original record has informed the Court that the date of first counselling was widely publicized and insertions in this regard were issued in five Newspapers having wide circulation. It has been pointed out that the aforesaid insertions were issued in Hindustan Times, New Delhi Edition, Indian Express, New Delhi and Chandigarh Edition, Dainik Tribune, Chandigarh and Amar Ujala, New Delhi as well as Chandigarh Edition. Sh. Jindal has pointed out that all the aforesaid Newspapers have a very wide circulation.

It has also been informed by the learned counsel for the respondents that in pursuance to the aforesaid intimation, the first counselling for filling up of the seats for BCB category was held on September 28, 2006. Eight candidates had appeared on the aforesaid date belonging to the said category. However seven candidates had also applied for admission in the General Category in All India quota and as such were admitted in the General Category. Remaining one candidate was admitted in BCB category. However, the candidate who was admitted in BCB Category on September 28, 2006 did not choose to deposit the fee. Consequently all the five seats of BCB category had remained vacant.

Learned counsel appearing for the respondents has also pointed out specific conditions contained in the Prospectus/Notification Annexure P-2, whereby it has been stipulated that the candidates who did not attend the first counselling shall not be allowed to participate in the subsequent process. Consequently, it has been argued by the learned counsel appearing for the State that the petitioner had not participated in the first counselling held on September 28, 2006 and as such was not eligible to participate in the second counselling which is now scheduled for October 27, 2006.

Sh. Surender Lamba, learned counsel appearing for the petitioner, however contends that since seats in BCB category are still lying vacant, therefore, the claim of the petitioner can always be considered by the respondents.

After hearing learned counsel for the parties and taking into consideration the respective pleas raised on their behalf, we are satisfied that the claim of the petitioner cannot be entertained by this Court on account of the fact that the petitioner had failed to take part in first counselling held on September 28, 2006.

In this view of the matter, she cannot be allowed to participate in any subsequent counselling. The other claim made by the petitioner that there was no publicity for filling up the seats in BCB Category, also stands falsified from the fact that a wide publicity was given for filling up the seats in five newspapers as stated above.

In this view of the matter, we find no merit in the present petition.

Dismissed.

(VINEY MITTAL)
JUDGE

October 26, 2006
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(H.S BHALLA)
JUDGE